

REMARKS

Claims 1, 6, 42-44 and 49 are currently pending. Claims 3, 8, 11, 26, 28 and 45-47 have been cancelled without prejudice in order to reduce the number of issues for appeal. That notwithstanding, applicants disagree with the Examiner's rejection of (1) claims 11, 26 and 45-47 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 7,204,848 (Brown et al); and (2) claims 3, 8 and 28 under 35 U.S.C. 103(e) as being allegedly unpatentable over U.S. Patent No. 6,776,793 (Brown et al.) in view of U.S. Patent No. 6,120,847 (Yang et al.). Applicants expressly reserve the right to file a continuation application directed to the subject matter of the now cancelled claims; all further remarks directed to the Examiner's rejections of said claims will be presented therein.

Claims 1, 43, 44 and 49 have been amended. Claim 1 has been amended to correct a typographical error in paragraph (d), replacing the word "generally" with "general". Claims 43 and 44 have been amended to simplify the grammatical structure of the recited claim language, specifically exchanging the phrase "becomes narrower" and "becomes wider" with "narrows" and "widens", respectively. Claim 49 has been amended to correct a typographical error at paragraph (d), replacing the reference to "said second circumferential band" to "said third loop containing section."

Pursuant to 37 CFR 41.33(a), these amendments are offered after filing an appeal pursuant to 37 CFR 41.31(a)(1) and prior to the date an appeal brief is filed pursuant to 37 CFR 41.37. Further, pursuant to 37 CFR 1.116(b)(2), the proposed claim amendments present the claims in better form for consideration on appeal by correcting typographical errors and simpler grammatical structure where appropriate.

No new matter has been added. No new issues of patentability are raised by the instant amendments. All further rebuttal to the pending rejections of the pending claims will be submitted in the forthcoming Appeal Brief.

Applicants respectfully request entry of the proposed claim amendments in advance of filing an appeal brief.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-4387, Order No. 92077.003.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4387, Order No. 92077.003.

Respectfully submitted,
Cadwalader, Wickersham & Taft LLP

Dated: December 8, 2009

By: 

Dorothy R. Auth
Registration No. 36434

Address:
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281
(212) 504-6000 Telephone
(212) 504-6666 Facsimile